

**WASHINGTON COUNTY COMMISSION MEETING**  
**MINUTES**  
**MARCH 2, 2010**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on March 2, 2010, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Denny Drake, County Administrator Dean Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

*The Spectrum* was represented by Brian Ahern at the meeting.

Commissioner Drake led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor Approved Claims for Payment for February 17, 2010, through March 2, 2010
- Consideration of Approval of Regular Commission Meeting Minutes of February 2, 2010, and February 16, 2010
- Consideration of Administrative Adjustments / Real Property
- Consideration of Administrative Adjustments / Personal Property
- Consideration of Applications for Settlement or Deferral of Property Taxes (2) Millennia Investment Corporation/Nathan Coombs, Serial Number L-3283-B-1-LS; and Kenneth Christensen, Serial Number SG-RRE-3-3-C
- Consideration of Renewal of Agreement between Washington County Sheriff's Office and Town of Apple Valley for Inmate Work Program for 2010
- Consideration of Renewal of Agreement between Educators Mutual Insurance Association of Utah and Washington County: Administrative Services Agreement; Self-Funded Employee Medical Benefit Plan (Care Plus); and Self-Funded Employee Dental Benefit Plan (Premier PPO) for 2010

**Actions of the Washington County Planning Commission Meeting / 02-23-10**

**Conditional Use Permit Extension:** Review extension to expand the sewer lagoons for the Town of Enterprise within the A-20 zone, Section 12, T38S,

R17W, SLB and M, generally located 1/4 mile south of Enterprise. Enterprise City, applicant.

This is an automatic annual review of the conditionally approved expansion of the Enterprise sewer lagoons. The City of Enterprise established sewer lagoons at this location in the early 1980's, which were never reviewed by the planning for a conditional use permit. The facility is located on 36.65 acres, which includes a discharge area and four (4) cells. Utilities are conditionally approved in all zones in the County. Sewer lagoons and treatment plants are conditionally approved within the I-1 (Industrial) zone. Whereas, this is an existing use and was reviewed for expansion, the commission considered this conditionally, within the A-20 zone as being in harmony with the intent of the zone. The commission may want to grant permanent status to the Conditional Use Permit.

Adam Bowler, representing the City of Enterprise, said they didn't enlarge the footprints of their lagoons, but they did take the two existing lagoons and made them into four by putting dikes in the middle and made one deeper. He said they also added some aeration equipment that ties back into the blower building and the buoys help oxygenate and circulate the water.

Russ Funk, representing Sunrise Engineering, explained this system is sufficient for the next twenty (20) years; although they did not change the footprint, they quadrupled the capacity of the system by adding the aeration equipment. Also, he stated that the Division of Environmental Quality oversees the regulatory, discharge, maintenance and construction of the facility and they have been very involved with the project. During construction and once it is operational they will come down about once a year. A licensed manager is also generally on site.

Motion was made to recommend approval of the expansion of the sewer lagoons for the Town of Enterprise, with permanent status, based on last year's facts and findings, which were: *1) State requested changes for improvement; 2) this is a public utility and is compatible with existing zone use; 3) Footprint will remain the same, change will result in better treatment; 4) Meets standards of the zone; 5) This is an existing use; and 6) Improves health & safety concerns for residents.*

Planning Commission approved 6-0.

**Conditional Use Permit Extension:** Review extension on a Lake-to-Lake Team Relay from Gunlock Reservoir to Sand Hollow Reservoir, sponsored by City of St. George Recreation. St. George City/ Aaron Metler, applicant.

This is an automatic annual review for the ALake-to-Lake Team Relay@ event scheduled for March 6<sup>th</sup>, 2009. St. George City is the host community for this event, with some of the route being in the unincorporated areas of Washington County. This is a one-day event

that will impact travel on the Gunlock Rd. and Hwy 91 between 8 a.m. and 10 a.m. As previously reviewed, they have capped the race at 150 teams with only one runner at a time, although each team may consist of five (5) members. The applicant will be in attendance to review last year's event and address any issues that may have come up with the routing, garbage, aid stations, course marking, hours and rules. He stated they are working with the county police to develop a parking plan and they will either do parking onsite or they will bus the teams in. Mr. Butler showed the commission a map of the exchange showing the planned parking areas, caution signs, porta potties and the location of the police. He explained throughout the rest of the course the runners will only be on the left shoulder of Highway 91 and Gunlock Road. He said St. George City did not hear any complaints about the event last year. The Sheriff's Office worked with the City on a joint safety plan and they will provide law enforcement services at the race. Again, these types of uses are conditionally approved to make the commission and the public aware of activities and locations. The planner indicated there were no facts and findings made last year.

Facts/findings:

- Meets requirements of the ordinance
- Contact with Sheriff's Office and it is in support of event

Planning Commission approved 6-0.

**Conditional Use Permit Extension:** Review extension for the "Redrock Relay Race" from Brian Head to Kolob Road, through the communities, then on to Hwy 91 to the Gunlock Road, ending at Veyo, on Saturday, September 10, 2010, within the County unincorporated areas. Tim Collings, applicant.

The applicant asked the Planning Commission to change the date of this event from Labor Day weekend to September 10<sup>th</sup>, 2010. This is a review of the first (1<sup>st</sup>) extension for the two (2) day event sponsored by Tim Collings/Red Rock Relay, which is a twelve (12) man team event that covers 180 miles from Brian Head Resort and finishes at the Tuacahn Amphitheater in Ivins. The unincorporated areas for County review will be the Kolob Road to Virgin and the loop from Ivins to Gunlock and northeast to Veyo, then south through Snow Canyon to Tuacahn. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (County Code 10-18-2 (amended 2008)). The applicant will need an updated liability insurance policy in place, listing Washington County as a beneficiary. The Washington County Sheriff's Department is aware of the event and is working with the applicant on schedules. The applicant has made a request for road closure on Kolob Mountain, and the Public Works Department will need to review and approve. Staff has concerns with this request for road closure on narrow steep terrain. Mr. Collings will be present to update the commission on the previous event. There was one complaint from Blue Duck Racing,

who was approved on the same date for a run from Veyo to Gunlock. To resolve any issues, Mr. Collings requested a time change. The planner indicated there were no facts and findings made last year.

Tim Collins, representative for Red Rock Relay, explained that they had sixty (60) teams last year and anticipate it to be doubled this year. Mr. Collins also said they obtain permits from each city they travel through and provide liability insurance. He also said that although they do provide barricades and signs, he would like to discuss the possibility of closing the roads.

Todd Edwards, County Engineer, said his concern was that Kolob only has one way in and one way out, so they prefer to keep the roads open. He said signage and advising people of a reduced speed limit would be adequate.

Facts/findings:

- Meets requirements of the ordinance
- Comparable with other running events in the County
- Contact with Sheriff's Office and it is in support of event

Planning Commission approved 6-0.

**Conditional Use Permit Extension:** Request permission for a charity ride Tour De St. George to be held on March 12, 14, and 27, 2010. The route will loop from St. George up Highway 18 to Veyo and then back via the road from Veyo to Gunlock and Hwy 91 back to St. George. Spin Geeks, LLC/Chris Mathisen, applicant.

This Tour de St. George series has been running since 2005 as a charity ride to raise funds for Big Brothers and Sisters. There will be a youth ride on Friday, March 12th, 2010; an adult ride on Sunday, March 14<sup>th</sup>, 2010; and a combined youth & adult ride Tour de St. George on Saturday, March 27<sup>th</sup>, 2010. These rides and the youth race are sponsored by the City of St. George, and a donation will be made to the Police Department. They have taken care of all the community approvals. The route will impact some County roads and they will be doing a loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 back to St. George. There will be two sanitary facilities at each rest station. The County Sheriff's Department has been notified of this event and the County has been listed as a beneficiary on the liability insurance policy. There have been no complaints on this item.

Facts/Findings:

- It is consistent with other events the commission has reviewed and approved
- Adequate insurance will be provided and the County will be covered

- They have properly notified the Sheriff's office
- The safety issues have been adequately addressed

Planning Commission approved 6-0.

**Conditional Use Permit:** Request permission for the "Ironman" St. George Triathlon to take place in Washington County on May 1, 2010. Jeff Gardner, agent.

The number of Ironman applicants will be capped at 2,500, and it is estimated that 2,200 actual participants will be in town for the May 1<sup>st</sup>, 2010 triathlon. The agent has submitted plans for the bike course, which runs 112 miles and loops twice from Old Hwy 91 to Gunlock, Veyo, Hwy 18 and Bluff Street. The bike ride is the only portion of the Ironman event within County jurisdiction. There will be three (3) Bike Aid stations in the unincorporated area of the County as follows: 1) on Main Street in Gunlock just after the church; 2) on Center Street in Veyo about two (2) blocks before SR-18; and 3) Bike Special Needs located between Dammeron Valley Rd. and Homestead Dr.

These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (County Code 10-18-2 (amended 2008)). The bike course is the second (2<sup>nd</sup>) event and has a cut-off at the start of the second loop (64-mile mark) at 2:05 pm. Any rider who has not reached the start of the second loop of the bike by 2:05 pm will not be permitted to continue. The bike course will close at 5:30 pm. Athletes arriving at the bike dismount line after 5:30 pm will not be permitted to continue. The swim course will be the first (1<sup>st</sup>) part of the event, which is 2.4 miles at the Sand Hollow Reservoir in Hurricane. This course will close at 9:20 am, two hours and twenty minutes after the start. Athletes who have not crossed the timing mat at the swim exit by 9:20 am will not be permitted to continue. The run course is the last event of the day and is 26.2 miles, 2 loops along Main St. Diagonal Rd, Bluff and Red Hills Pkwy in St. George. There is a cut-off at the halfway point of the run (13.1-miles) at 9pm. Athletes who have not reached the turnaround at Main and Tabernacle Streets by 9pm will not be permitted to continue. The run course will close at midnight. All athletes still on the run course after the cut-off time will be disqualified but given the opportunity to unofficially finish the race.

Jeff Gardner, representing the Ironman triathlon, said that the event will be recorded live on the internet and a month or two later it will be broadcast on NBC Universal Sports. Mr. Gardner said it is estimated to bring in eight to ten million dollars. He said participants do not have to qualify to participate in this race, but there are sixty five (65) qualifying spots from this race for the world championships in Hawaii. He explained it takes about four thousand volunteers for a race of this magnitude and those interested in volunteering can sign up on line.

Facts/findings:

- Meets requirements of the ordinance
- Comparable with other biking events in the County
- Contact with Sheriff's Office and they are in support of event
- Liability insurance policy is in place.

Planning Commission approved 6-0.

**Conditional Use Permit:** Request permission for a charity event for New Harmony Fire Mud Run to be held on May 22, 2010; races include a 10k, 5k, or 1k youth; located at the Old Highway 91 Bridge in Kolob Mountain Ranches Subdivision. Andrew Osborn, agent.

The Planner explained the agent has submitted a packet for the New Harmony Fire Mud Run to be held on May 22<sup>nd</sup>, 2010. The event will start and finish on the Old Hwy. 91 bridge at the Kolob Mountain Ranch Subdivision. The Amud run@ will be a series of races designed to challenge the individual or teams to race using military style obstacles. This would include the scaling of walls, culvert pipe crawls, hay bale barricades, and mud pits. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (County Code 10-18-2 (amended 2008)). Their Proposal and Plan Outline addresses an emergency service plan, parking, transport, and road closure, which will need to be reviewed by the Public Works Department. The plan also addresses refuse and port-a-potties. The applicant has been asked to contact the Sheriff's Office for review of services and once the race leaves the pavement, there may be approximately 1 mile of BLM. Staff has asked the agent to review application with these other agencies. The agent will need an updated liability insurance policy in place, listing Washington County as a beneficiary. Andrew Osborn, representing the New Harmony Valley Volunteer Fire Association, said this race is to raise funds for the New Harmony Fire Department and the net funds from this race will be used to provide equipment for the department.

Facts/findings:

- Comparable with other running events in the County

Planning Commission approved 6-0.

Commissioner Gardner said that a representative from the New Harmony Fire Mud Run was present and asked to speak to the Commission on behalf of that event.

**MOTION: Motion by Commissioner Gardner to Approve the Consent Agenda, with the last Conditional Use Permit to be moved to the Regular**

**Agenda. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF CONDITIONAL USE PERMIT FOR A CHARITY EVENT FOR NEW HARMONY FIRE MUD RUN TO BE HELD ON MAY 22, 2010:**

Mr. Dick Duesberg, representing the New Harmony Fire Mud Run, explained that this may be the first mud run to occur in Utah. His committee is attempting to replace fire prevention resources that were used to combat the Mill Creek fire of last year. The mud run is patterned after training exercises used by the military in boot camps and the like. Adults and children alike can run the races, which will include pits, nets, logs, tires, and other obstacles.

Registration may be accessed online through [newharmonyfire.com](http://newharmonyfire.com).

**MOTION: Motion by Commissioner Gardner to Approve the Conditional Use Permit for a charity event for New Harmony Fire Mud Run to be held on May 22, 2010; races include a 10k, 5k, or 1k youth; located at the Old Highway 91 Bridge in Kolob Mountain Ranches Subdivision. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**PURCHASE REQUESTS / MARK BLANCH:**

- Dixie Center, tables for Ironman Event ..... \$12,491.00
- Habitat Conservation Plan (HCP), fencing, gates ..... 19,636.30

*All purchases are budgeted, bonded, or paid for through grant funds.*

**MOTION: Motion by Commissioner Drake to Approve the Above Purchase Requests. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**PRESENTATION OF BUSINESS PATRIOT AWARDS TO LAVERKIN CITY AND RAIN MAKER ALL-SEASON MAINTENANCE**

Commissioner Drake said that LaVerkin City and Rain Maker All-Season Maintenance have submitted proof of the legitimate status of their employees and therefore qualify for



the Business Patriot Award. No representatives from either office was present, but the certificates will be mailed to them, along with new decals to be displayed in office windows.

**CONSIDERATION OF RESOLUTION NO. R-2010-1426, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN FELLER ENTERPRISES, LLC, AND WASHINGTON COUNTY TO PERFORM RE-VEGETATION AT THE WASHINGTON COUNTY GUNLOCK EWP SANTA CLARA SITE**

This re-vegetation project is the last mitigation project to result from the 2007 Flood and is for willow planting.

**MOTION:** Motion by Commissioner Drake to Adopt Resolution No. R-2010-1426, A Resolution Approving The Execution Of An Agreement Between Feller Enterprises, LLC, And Washington County To Perform Re-Vegetation At The Washington County Gunlock EWP Santa Clara Site. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2010-1427, A RESOLUTION APPROVING THE EXECUTION OF AN ACCESS MANAGEMENT AGREEMENT BETWEEN THE MEMBERS OF THE TRANSPORTATION EXECUTIVE COUNCIL OF EASTERN WASHINGTON COUNTY RURAL PLANNING ORGANIZATION (HURRICANE CITY, LAVERKIN CITY, TOQUERVILLE CITY, THE TOWNSHIP OF LEEDS, AND WASHINGTON COUNTY) AND THE UTAH DEPARTMENT OF TRANSPORTATION TO ESTABLISH CRITERIA REGARDING THE GRANTING OF ACCESS ALONG STATE HIGHWAYS AND OTHER ROADWAYS WITHIN THE BOUNDARIES OF THE RPO**

Chairman Eardley referred to language changes made to the previous version of this document that will make it more palatable for all parties. Paragraph 4 now reads:

If new development (or additional or redevelopment) in a Jurisdiction will impact the transportation system of a neighboring Jurisdiction, the affected Jurisdiction will be notified of the impact and TIS information will be shared;

This Access Management Agreement was approved by the Rural Planning Organization at its recent meeting.



**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1427, A Resolution Approving The Execution Of An Access Management Agreement Between The Members Of The Transportation Executive Council Of Eastern Washington County Rural Planning Organization (Hurricane City, LaVerkin City, Toquerville City, The Township Of Leeds, And Washington County) And The Utah Department Of Transportation To Establish Criteria Regarding The Granting Of Access Along State Highways And Other Roadways Within The Boundaries Of The RPO. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2010-1428, A RESOLUTION APPROVING THE EXECUTION OF A LEGAL SERVICES AGREEMENT BETWEEN MCKOOL SMITH, P.C., AND WASHINGTON COUNTY**

Deputy County Attorney David Patterson explained that this issue concerns reservations for hotel rooms that either by themselves or in conjunction with airline reservations. Washington County is one of the leading counties in Utah in collection of transient room taxes because of its heavy tourism emphasis. Some northern counties have already signed contracts with the McKool Smith law firm to pursue legal remedies for the adverse impact in collection of actual TRT receipts to the counties. In researching this issue, it was discovered that there have been some successful judgments; but in other jurisdictions, judgments obtained were not so successful. It seems prudent to analyze all available court results to gain a more informed perspective before signing the agreement.

**MOTION: Motion by Commissioner Gardner to Table Resolution No. R-2010-1428, A Resolution Approving The Execution Of A Legal Services Agreement Between McKool Smith, P.C., And Washington County. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF REVISIONS TO WASHINGTON COUNTY POLICY AND PROCEDURES MANUAL (NEW SECTION IX TO REPLACE SECTIONS L AND M - ILLEGAL DISCRIMINATION AND HARASSMENT PROHIBITED); SECTION II - EQUAL EMPLOYMENT OPPORTUNITY; AND IMPORTANT NOTICE/DISCLAIMER OF LIABILITY**

County Administrator Dean Cox said that these revisions bring our policies concerning illegal discrimination and harassment up to date by ensuring that they are in compliance with applicable state and federal law.

**MOTION: Motion by Commissioner Drake to Adopt the Revisions To Washington County Policy And Procedures Manual (New Section IX To Replace Sections L And M - Illegal Discrimination And Harassment Prohibited); Section II - Equal Employment Opportunity; And Important Notice /Disclaimer Of Liability. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF REVISIONS TO WASHINGTON COUNTY SHERIFF'S OFFICE PUBLIC SAFETY DIVISION POLICY MANUAL: ARREST AND DETENTION, FORCIBLE ENTRY, AND SEARCH AND SEIZURE**

These three (3) short revisions from the Sheriff's Office state that applicable federal and state policies must be complied with.

**MOTION: Motion by Commissioner Drake to Adopt the Revisions To The Washington County Sheriff's Office Public Safety Division Policy Manual: Arrest And Detention, Forcible Entry, And Search And Seizure. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**PUBLIC WORKS OR ROAD BUSINESS**

Public Works Director Ron Whitehead made two announcements for the benefit of the public:

- The Natural Resources Conservation Service (NRCS) has received funding to begin repairs in the New Harmony area. NRCS will be creating survey damage reports and then a list of projects that meet the criteria for NRCS to participate in the repairs. The list will then be presented to the County for sponsorship and a determination whether the County is in a position to meet-match the total cost of the project. The County's portion would be twenty-five percent (25%). Mr. Whitehead asked the New Harmony area residents for their patience, as it will take some time to work through this process.
- During this time of year, with rain and snow, it is important for residents to keep their borrow ditches cleared out of all debris so that the water can flow unimpeded down along the front of the property lines, particularly in the subdivisions. The borrow ditches are in the County right-of-way, and residents are not permitted to clutter them up. This will help to avoid flooding problems.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

No items were presented today.

**Request an Executive Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:35 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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JAMES J. EARDLEY  
CHAIRMAN